

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

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*In the Matter of:*

Valley Falls, RI Station  
Cumberland, RI 02864-9991  
(Derrick Watson, Petitioner)

Docket No. A2011-18

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**RESPONSE OF UNITED STATES POSTAL SERVICE TO MAYOR DANIEL J. MCKEE'S APPLICATION FOR SUSPENSION OF DISCONTINUANCE FOR THE VALLEY FALLS STATION, CUMBERLAND, RI 02864**  
(June 30, 2011)

By means of Order No. 737 (May 25, 2011), the Postal Regulatory Commission (Commission) docketed correspondence filed online on May 23, 2011 from a customer of the Valley Falls Station in Cumberland, RI,<sup>1</sup> assigning PRC Docket No. A2011-18 as an appeal pursuant to 39 U.S.C. § 404(d).<sup>2</sup>

On June 20, 2011, Mayor Daniel J. McKee filed correspondence with the Commission requesting that the proposed closure of the Valley Falls Station be suspended pending the outcome of the appeal to the Commission concerning the determination of the Postal Service to close the Valley Falls Station.<sup>3</sup> The Valley

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<sup>1</sup> The correspondence included a seven-page letter from Derrick Watson, on behalf of the Concerned Citizens of Valley Falls – SOPO, to the Commissioners dated May 22, 2011 enclosing a one-page Public Notice dated May 6, 2011 to Postal Customers in ZIP Code Area 02864 informing them that retail services will no longer be provided at the Valley Falls Station as of July 8, 2011; a one-page Public Notice to Postal Customers in Zip Code Area 02864 informing them of an April 6, 2011 Community meeting concerning the possible consolidation of the retail and delivery operations at the Valley Falls Station; a two-page letter from Derrick Watson, on behalf of the Cumberland/Valley Falls Residents to Save The 197 Broad Street Cumberland Post Office, to the Postmaster General, dated March 31, 2011; a 17-page petition with signatures; a one-page letter from the Officer-in-Charge, Pawtucket RI to Post Office Box Customers dated May 5, 2011; a one-page letter from a Postal Service Consumer Research Analyst to Derrick Watson dated May 5, 2011; a two-page letter from a Postal Service Consumer Affairs Associate to Derrick Watson dated May 19, 2011; and a copy of a lease for the Valley Falls Station.

<sup>2</sup> Valley Falls Station appears on the list of stations and branches identified for possible discontinuance in PRC Docket No. N2009-1. See USPS-LR-N2009-1/4 (January 29, 2010).

<sup>3</sup> Letter from Mayor Daniel J. McKee to Commission dated June 20, 2011.

Falls Station is scheduled to close on July 8, 2011.<sup>4</sup> As explained below, the application for suspension of the scheduled closing of the Valley Falls Station should be denied.

As an initial matter, this appeal is not within the scope of the Commission's jurisdiction under 39 U.S.C. § 404(d). The Valley Falls Station is not an independent Post Office, so Commission jurisdiction under 39 U.S.C. § 404(d) does not attach. As the Commission is well aware, the Postal Service understands that the Commission lacks subject matter jurisdiction under 39 U.S.C. § 404(d) to review Postal Service decisions regarding the discontinuance of stations and branches. See *gen'ly* Reply Brief of the United States Postal Service, section III (pp. 6-12), PRC Docket No. N2009-1 (December 16, 2009); Comments of United States Postal Service Regarding Jurisdiction Under (Current) Section 404(d), PRC Docket No. A2010-3 (April 19, 2010).<sup>5</sup> In the Postal Service's view, the Post Office discontinuance regulations in 39 C.F.R. Part 241.3 and Handbook PO-101 do not apply to the Valley Falls Station because the Valley Falls Station is not an independent Post Office. Similarly, the Commission's Rules of Practice for Post Office closings found in section 3001.110 *et seq.*, including section 3001.114 that concerns applications for suspension pending review, do not apply in this instance. Petitioner fails to allege facts that constitute a condition precedent to any jurisdiction of the Commission under 39 U.S.C. § 404(d)(5).

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<sup>4</sup> See Appeal of Closure of Valley Falls Post Office Cumberland RI 02864 (May 22, 2011), Exhibit 1.

<sup>5</sup> In turn, the Postal Service is well aware that the Commission claims a broader jurisdiction.

Second, even assuming section 404(d) were interpreted to embrace the discontinuance of stations and branches, this proceeding does not involve a loss of retail services to the community for reasons that match those in PRC Docket No. A2010-3. In that proceeding, the Commission concluded that the section 404(d) procedural requirements apply only where postal customers lose access to postal services, and that postal customers do not lose access to postal services where alternate retail facilities are located in “close proximity” to the discontinued station.<sup>6</sup> Because of the close proximity of other postal facilities and the availability of postal services through <http://www.USPS.com/> and other expanded access options, the discontinuance of Valley Falls Station will not cause postal customers to lose access to postal services.<sup>7</sup> Consequently, the Postal Service submits that the section 404(d) procedures do not apply on this separate basis. Therefore, the relief requested by the petitioner is not, as a matter of law, available to Petitioner and should be denied on these grounds alone. The Postal Service will respond to these matters in greater detail in its answer due on July 18, 2011.

Third, in earlier station and branch discontinuance appeals, the Commission has not granted petitioner applications for suspensions of scheduled closings. See PRC Docket No. A2011-1 (application for suspension filed on October 19, 2010; station closed on January 25, 2011; order affirming final

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<sup>6</sup> PRC Order No. 477, Order Dismissing Appeal, Docket No. A2010-3, June 22, 2010, at 7-8.

<sup>7</sup> Lincoln Station is located within 1.2 miles of the Valley Falls Station, and the Pawtucket Post Office is located 1.8 miles from the Valley Falls Station. There are an additional 8 post offices, stations and branches within 5 miles of Valley Falls Station. In addition, customers may obtain some postal services from expanded access options, including 16 alternate locations to buy stamps sites within five miles of Valley Falls Station and Stamps by Mail®. See Notice of United States Postal Service, Docket No. A2011-18 (June 7, 2011), at 2-3, Exhibit 1 at 1-2, and Exhibits 2 and 3.

determination issued on February 15, 2011); PRC Docket No. A2011-4 (application for suspension filed on November 22, 2010; station closed on January 15, 2011; order affirming final determination issued on March 16, 2011) ; PRC Docket No. A2011-5 (application for suspension filed on December 6, 2010; station closed on January 15, 2011; order affirming final determination issued on March 31, 2011); PRC Docket No. A2011-16 (application for suspension filed on May 17, 2011; order denying application for suspension issued on June 17, 2011; station closed on June 17, 2011)).<sup>8</sup> In these cases, the Commission did not interfere with the Postal Service's completion of scheduled discontinuances. The Commission stated in its order affirming the Postal Service's final determination in PRC Docket No. A2011-1 that, while the Postal Service "recognizes that convenience is an important attribute of service, the Postal Service is compelled by changing circumstances to consider its network of facilities and alternate means of providing efficient and reliable services to all customers."<sup>9</sup>

Fourth, the Postal Service believes that the alternate postal services available to Valley Falls Station customers will satisfy their demand for postal services even if service may be less convenient for some customers

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<sup>8</sup> In PRC Docket No. A2011-16, the Commission stated that it "must evaluate the Application for Suspension in light of the Postal Service's well-publicized financial difficulties." The Commission acknowledged certain circumstances identified by the Postal Service, including "a number of proximate locations providing alternative access to retail postal services" and that alternative service arrangements, if deferred, would "be disrupted and cause unnecessary expenditures." Under these circumstances, the Commission denied the application for suspension. PRC Order No. 748, Order Denying Application for Suspension, PRC Docket No. A2011-16 (June 17, 2011), at 2-3.

<sup>9</sup> PRC Order No. 673, Order Affirming Final Determination, PRC Docket No. A2011-1 (February 15, 2011), at 8.

Fifth, the Postal Service reviewed the facts pertaining to the Valley Falls Station; the relief requested by the petitioner is not practicable to implement at this late stage and would significantly frustrate postal operational plans.

The Postal Service has already made numerous arrangements to implement the final determination, including the following:

- Arranged for the premises to be vacated by a certain date;
- Made arrangements for duty station changes for the employees currently working at the Valley Falls Station; and
- Scheduled various operational changes, including some related to mail transportation schedules and routes, vehicles, and mail sortation, to coincide with the discontinuance of the Valley Falls Station.

Thus, Postal Service operational plans for an efficient transition would be frustrated, and costly, confusing adjustments would be necessary, were the discontinuance forestalled.

For the reasons set forth above and in the Postal Service's June 7, 2011 Notice filed in this docket, the Petitioner's application for suspension of the scheduled closing of the Valley Falls Station should be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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